

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

NORTEK AIR SOLUTIONS, LLC,  
Plaintiff,  
v.  
DMG CORPORATION, et al.,  
Defendants.

Case No. [14-cv-02919-BLF](#)

**ORDER REGARDING  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF  
NORTEK’S TRIAL BRIEF**

[Re: ECF 274]

Before the Court is Noret’s administrative motion to file under seal portions of its trial brief. ECF 274. For the reasons stated below, the motions is GRANTED.

**I. LEGAL STANDARD**

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097.

In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are

sealable.” *Id.*

## II. DISCUSSION

The Court has reviewed Nortek’s sealing motion and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal certain portions of most of the submitted documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing request are set forth in the tables below:

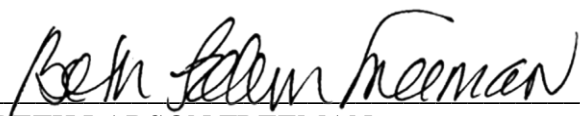
Identification of Documents to be Sealed	Description of Documents	Court’s Order
Nortek confidential information marked by redactions at 7:8; 7:13; 7:22-25; 8:3; 8:5-6; 8:9-10; 8:22-23; 9:16-17; 9:19	Highly confidential financial information regarding proprietary intellectual property licenses between Nortek or Nortek affiliates and third parties.	GRANTED
Defendants’ information designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” marked by redactions at 8:16-17; 8: 26-28; 9:1-3, 9:10-12	Contains confidential information regarding Defendants’ financial and sales information	GRANTED

## III. ORDER

For the foregoing reasons, the sealing motion at ECF 274 is GRANTED.

**IT IS SO ORDERED.**

Dated: August 18, 2016

  
 BETH LABSON FREEMAN  
 United States District Judge